UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/308,346 | 12/02/2002 | Detlev Wiese | 11817US06 | 2473 |

7590 12/15/2004

McAndrews, Held & Malloy, Ltd.
34th Floor
500 W. Madison Street
Chicago, IL 60661

| EXAMINER | |
|---|---|
| ABEBE, DANIEL DEMELASH | |
| **ART UNIT** | **PAPER NUMBER** |
| 2655 | |

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/752,528 | KRISHNAMURTHY ET AL. | |
| | Examiner | Art Unit | |
| | Jakieda R Jackson | 2655 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *June 16, 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. In response to the Office Action mailed March 16, 2004, applicant submitted an amendment filed on June 16, 2004, in which the applicant requested reconsideration with respect to **claims 1 and 21**.

### *Response to Arguments*

2. Applicant argues regarding claims 1 and 21 that Bennet, Boys and Kwoh does not teach that the changes are automatically reflected in the computer audio data file on a real time bases. However, applicant's arguments with respect to claims 1 and 21 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-3 and 21-23** are rejected under 35 U.S.C. 102(e) as being Baker anticipated by (U.S. Patent No. 6,122,613).

Regarding **claims 1 and 21**, Baker discloses a method and system of capturing dictations for use in transcriptions comprising:

a) dictating dictation information onto at least one recording medium (dictation os speaker's words are recorded) that stores said dictation information in the form of recording medium data (column 5, lines 7-13);

b) simultaneously (at the same time) recording onto at least one computer audio file in the form of computer audio file data (column 4, lines 55-65); and

c) making changes (corrections) to the recording medium data based on required corresponding changes in the dictation information (column 9, lines 42-51)

wherein said changes to the recording medium data are automatically reflected in the computer audio file data on a real time basis (real-time recognition system; column 4, lines 61-65 with column 6, lines 51-58 and column 7, lines 50-60).

Regarding **claims 2 and 22**, Baker discloses the method and system wherein said recording medium is a magnetic tape (inherent in tape recorder; column 5, lines 10-13).

Regarding **claims 3 and 23**, Baker discloses the method and system wherein said dictations comprise transcription information (column 6, lines 44-58).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 4-5, 7 and 10-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kwoh et al. (U.S. Patent No. 5,502,694), hereinafter references as Kwoh.

Regarding **claims 4 and 24**, Baker discloses a method and system of capturing dictations, but lacks wherein said dictation information is spliced into time elements and a unique identifier each is associated with each of said time elements.

Kwoh teach splicing information into groups and using unique codes to represent each group (column 1, lines 44-46), to assign each word or other logical segment on the tape as a unique identifier.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker's method and system wherein said dictation information is spliced into time elements and a unique identifier each is associated with each of said time elements, to facilitate synchronization between tape editing and computer file editing, since each speech unit would be uniquely identified

across the system, and the computer side would be aware of words that were edited on the audio side.

Regarding **claims 5 and 25**, Baker discloses a method and system of capturing dictations, but lacks wherein said recording medium comprises at least two channels, a first channel being used for storing said recording medium data and a second channel being used for storing said unique identifier.

Kwoh teaches using two channels: one for audio and the other for data (figure 6, elements 106 and 107), to encode digital data along with word segments.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker's method and system wherein said recording medium comprises at least two channels, a first channel being used for storing said recording medium data and a second channel being used for storing said unique identifier, to encode digital data along with word segments, so that the computer could read identifiers associated with audio words/segments and make the changes in the corresponding parts of the audio file.

Regarding **claims 7 and 27**, Baker discloses a method and system of capturing dictations, but lacks wherein each of switching function events on a device used to record in the recording medium generate a unique switching function event identifier each, said unique switching function event identifier being different from said unique identifiers corresponding to said time elements of information.

Kwoh teaches using unique codes to represent information groups (column 1, lines 44-46), to generate special codes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker's method and system wherein each of switching function events on a device used to record in the recording medium generate a unique switching function event identifier, to allow appropriate modification of the contents of the audio files in response to the manual editing of the tape.

Regarding **claims 10 and 30**, Baker discloses a method and system of capturing dictations wherein said switching function events is one of record, play, rewind, fast forward, stop and save (playback; column 8, lines 63-65 and saving; column 9, lines 47-51).

Regarding **claims 11 and 31**, Baker discloses a method and system of capturing dictations, but lacks wherein when a record function is encountered, the first channel receives the dictated information and the second channel receives the unique identifier data.

Kwoh teaches recording information on a magnetic tape using two channels: one for audio and the other for identifier data (figure 6, element 106 and 107), to encode digital identifiers along with word segment during the recording.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker's method and system wherein when a record function is encountered, the first channel receives the dictated information and the second channel receives the unique identifier data, so that the computer could read identifiers associated with audio words/segments and make the changes corresponding parts of the audio file.

Regarding **claims 13 and 33**, Baker discloses a method and system of capturing dictations, but lacks wherein when the play function is encountered the first channel outputs the dictation information and the second channel outputs waveforms corresponding to the unique identifier.

Kwoh teaches recording information on a magnetic tape using two channels: one for audio and the other for identifier data (figure 6, elements 106 and 107), to decode digital identifiers along with word segments during playback. Necessarily, the playback of the tape would decode the information in the form it was decoded: two channels (one for audio and one for data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker's method and system wherein when the play function is encountered the first channel outputs the dictation information and the second channel outputs waveforms corresponding to the unique identifier, so that the computer could read identifiers associated with audio words/segments and make the changes in the corresponding parts of the audio file.

Regarding **claims 15 and 35**, Baker discloses a method and system of capturing dictations, but lacks when an overwrite dictate is performed, the first channel receives overwrite dictation information and the second channel receives new unique identifiers.

Kwoh teaches recording information on a magnetic tape using two channels: one for audio and the other for identifier data (figure 6, element 106 and 107), in order to encode digital identifiers along with word segments during the original recording or further overwriting (recording). Necessarily, overwriting data on the tape simply

involves recording new information (audio and identifiers) over the old information using the same channels.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker's method and system when an overwrite dictate is performed, the first channel receives overwrite dictation information and the second channel receives new unique identifiers, so that the computer could read identifiers associated with audio words/segments and make changes in the corresponding parts of the audio file.

7. **Claims 6, 20, 26 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kwoh as applied to claim 4 above, and further in Blum (U.S. Patent No. 4,663,678).

Regarding **claims 6 and 26**, Baker discloses a method and system of capturing dictations, but does not specifically teach wherein said unique identifiers are generated by generating train pulses, feeding results of the counter to an encoding logic, outputting the serial data following start bits to form said unique identifier, amplifying and feeding the unique identifier to the second channel and parallely feeding the serial data to a receiver-transmitter.

Kwoh teaches encoding the segments and uploading the information to the computer via a communication port (column 1, lines 47-50). In addition, Kwoh teaches encoding of the identifier information of the left channel of the tape (figure 6, element

106), but does not teach the specific step of encoding the information of the left track tape.

Blum teaches a method for encoding digital information, such as identifiers, on a magnetic tape which involves generating a train of pulses (figures 4 amd 6A), feeding the counter (figure 5, element 104), using special start bits (figure 3, element 60), to identify data region (figure 3, element 61), and finally amplifying the result when it is written to the second channel, to encode the data in digital form onto the special left track tape.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker in combination with Kwoh's system and method wherein said unique identifiers are generated by generating train pulses, feeding results of the counter to an encoding logic, outputting the serial data following start bits to form said unique identifier, amplifying and feeding the unique identifier to the second channel and parallely feeding the serial data to a receiver-transmitter, so that the computer could read identifiers associates with audio words/segments and make the changes in the corresponding parts of the audio file.

Regarding **claims 20 and 40**, Baker in view of Kwoh discloses a method and system of capturing dictations, but does not specifically teach wherein the unique identifier data recorded on the recording medium is converted to a digital pulse by a process comprising: detecting a transition from a 1 to 0 or a 0 to 1, creating a digital waveform based on results of said detecting, processing the digital wave form to

remove start bits, feeding to a shift register driven by a same clock frequency used to generate data bits and loading to the receiver-transmitter.

Blum discloses a magnetic tape recording wherein the unique identifier data recorded on the recording medium is converted to a digital pulse by a process comprising:

detecting a transition from a 1 to 0 or a 0 to 1 (column 7, lines 6-12);

creating a digital waveform based on results of said detecting (figure 6A);

processing the digital wave form to remove start bits (column 7, liens 56-58);

feeding to a shift register driven by a same clock frequency used to generate data bits (figure 5, element 110 and column 7, lines 62-65); and

loading to the receiver-transmitter (column 8, lines 13-16), to allow reading of identifiers encoded on tape.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker in combination with Kwoh's method and system by detecting a transition from a 1 to 0 or a 0 to 1, creating a digital waveform based on results of said detecting, processing the digital wave form to remove start bits, feeding to a shift register driven by a same clock frequency used to generate data bits and loading to the receiver-transmitter, so that identifiers could be read from the tape and the computer could correlate information encoded on the tape with the appropriate portions of the audio files, altering the content of the audio files when prompted by the signal form the audio tape.

8. **Claims 8-9, 12, 14, 16-19, 28-29, 32, 34 and 36-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kwoh as applied to claim 10 above, and further in view of well know prior art.

Regarding **claims 8 and 28**, Baker discloses a method and system of capturing dictations, but lacks receiving the information for a sound port and maintaining a table.

Kwoh teaches sending identifier data to the computer and storing the table of identifiers and corresponding text symbols on the computer (column 1, lines 47-49), but does not specifically teach maintaining a table which store said unique identifier data and corresponding locations in the computer audio file in a computer table file.

However, the examiner takes Official notice that maintaining a table which store said unique identifier data and corresponding locations in the computer audio file in a computer table file is old and well known in the art of speech processing and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker in combination with Kwoh's method and system to store tables of identifier data and corresponding locations in order to provide a mapping between word segments on an audio tape and portions of computer files. Hence, the computer could read identifiers associated with audio words/segments and make the changes in the corresponding parts of the audio file.

Regarding **claims 9 and 29**, Baker discloses a method and system of capturing dictations, but does not specifically teach wherein the computer is capable of

interpreting the unique switching function identifiers and perform corresponding events in the computer to change the computer audio file and contents of the table stored in the computer table file appropriately.

Kwoh teaches that a computer is capable of interpreting identifiers and in return, displaying special symbols (column 1, lines 40-45), but lacks modifying contents of audio files and tables stored on the computer.

However, the examiner takes Official notice that modifying contents of audio files and tables stored on the computer is old and well known in the art of speech processing and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker in combination with Kwoh's method and system, so that the software would be capable of interpreting other encoded instructions and, hence, would be able to interpret instructions intended for file manipulation. This would allow a computer to modify audio files and reference tables in accordance with special commands encoded on the magnetic tape.

Regarding **claims 12 and 32**, Baker in view of Kwoh discloses a method and system of capturing dictations, but does not specifically teach wherein when a stop switching function event is encountered, the computer pauses inputting information into the computer file while the device pauses recording.

However, the examiner takes Official notice that when a stop switching function event is encountered, the computer pauses inputting information into the computer file while the device pauses recording is old and well known in the art of speech processing and therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify Baker in combination with Kwoh's method and system in accordance with the extremely well-known function of a "stop" button on various recorders that depressing a "Stop" button would temporarily stop the recording on the magnetic tape and computer mediums, as to make sure that both computer and magnetic tape recordings remain synchronized.

Regarding **claims 14 and 34**, Baker in view of Kwoh discloses a method and system of capturing dictations, but specifically teach wherein when a rewind switching function is initiated, the computer suspends inputting dictation information into the computer audio file until further input is received from the communications port.

However, the examiner takes Official notice when a rewind switching function is initiated, the computer suspends inputting dictation information into the computer audio file until further input is received from the communications port is old and well known in the art of speech processing and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker in combination with Kwoh's method and system in accordance with the extremely well-known function of a "stop" button on various recorders that depressing a "Rewind" button on various recorders that depressing a "Rewind" button would temporarily stop the recorded on magnetic taps and computer mediums. It is well-known in the art that rewinding and recording cannot occur at the same time on the tape recorder.

Therefore, the computer side of the system would have to suspend the parallel recording operation in order to maintain synchronization with the magnetic tape of the system.

Regarding **claims 16 and 36**, Baker in view of discloses a method and system of capturing dictations, but lacks specifically teaching wherein the computer captures the new identifiers and replaces the corresponding contents of the table stored in the computer table file along with file locations corresponding to the overwritten dictation information.

However, the examiner takes Official notice that the computer captures the new identifiers and replaces the corresponding contents of the table stored in the computer table file along with file locations corresponding to the overwritten dictation information is old and well known in the art of speech processing and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker in combination with Kwoh's method and system that the process of overwriting dictation would involve replacing the contents of the lookup table and the contents of the audio files with new data, as specified by unique identifiers. This would ensure the proper synchronization between the lookup table, the audio files stored on the computer and the magnetic tape.

Regarding **claims 17 and 37**, Baker in view of Kwoh discloses a method and system of capturing dictations, but lacks specifically teaching wherein the computer captures the unique identifiers and the dictation information from appropriate ports and appends the table stored in the computer table file and the computer audio file respectively.

However, the examiner takes Official notice that the computer captures the unique identifiers and the dictation information from appropriate ports and appends the

table stored in the computer table file and the computer audio file respectively is old and well known in the art of speech processing and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker in combination with Kwoh's method and system that the process of overwriting dictation would involve replacing the contents of the lookup table and the contents of the audio files with new data, as specified by unique identifiers. This would ensure the proper synchronization between the lookup table, the audio files stored on the computer and the magnetic tape. The computer would necessarily receive the new data (identifiers, dictation information) from the communication port, as taught by Kwoh (column 1, lines 47-50)

Regarding **claims 18 and 38**, Baker in view of Kwoh discloses a method and system of capturing dictations, but lacks specifically teaching wherein the computer receives unique identifiers corresponding to the dictation information on the first channel and moves pointers in the computer table file to appropriate location to match the information output from the first channel.

However, the examiner takes Official notice that the computer receives unique identifiers corresponding to the dictation information on the first channel and moves pointers in the computer table file to appropriate location to match the information output from the first channel is old and well known in the art of speech processing and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker in combination with Kwoh's method and system to that the process of overwriting a dictation would involve moving pointers in the lookup

table to point to the new audio files, as specified by unique identifiers. This would ensure synchronization between the lookup table, the audio files stored in the computer and the magnetic tape. Because data and identifier information are received respectively on the first and second channels, the process of updating the lookup table would necessarily involve updating the table references to the dictation data (1st channel) according to commands issued by the unique identifier (2nd channel).

Regarding **claims 19 and 39**, Baker in view of Kwoh discloses a method and system of capturing dictations, but lacks specifically teaching wherein after a dictation session is completed, a special function key is initiated corresponding to a save function and the computer interprets this save function to perform a save operation on the recorded computer audio file to a desired digital voice file format.

However, the examiner takes Official notice that a special function key is initiated corresponding to a save function and the computer interprets this save function to perform a save operation on the recorded computer audio file to a desired digital voice file format is old and well known in the art of speech processing and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baker in combination with Kwoh's method and system in accordance with the well-known function of "Save" command in computer systems that "Save" command would cause the computer to accept its recording as the final version and store the recording audio file in the pre-determined format. The use of "Save" command is ubiquitous throughout computer systems, particularly for word processors and other text, audio and image editors.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R Jackson whose telephone number is 703.305.5593. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703. 305.4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRJ
December 2, 2004

DAVID L. OMETZ
PRIMARY EXAMINER